

Translation:

Enclosure 2/1 to the Case Note of 29th March 1986 from Hach

Page 3:

The flow effect is presumably to be attributed to the fact that a multiplicity of thinner air jets are provided in the peripheral region of the smoke stream which issues from the filter body, at peripheral spacings, with the speed of flow of the air jets being orders of magnitude greater than the speed of the smoke. By virtue of the substantially faster air flows being incorporated into the smoke stream, the latter is evidently subjected to turbulence and substantially deflected laterally in varying directions.

According to the patentees' investigations, two factors are essentially involved in that result being achieved:

On the one hand, in actual fact only air and not for example an air-smoke mixture may flow in the grooves;

On the other hand, it is important that the air flows extend radially inwardly of the imaginary peripheral surface of the smoke stream so that smoke flowing substantially more slowly occurs in the peripheral direction between the air flows. That effect does not occur if the air flows pass completely outside the smoke stream and so-to-speak only enclose the latter.

It is therefore important that, as set forth in feature E, the peripheral surface of the filter body, including the walls of the grooves, are impervious to air so that no smoke can penetrate into the grooves. In addition, it is particularly important that, as set forth in feature C, the grooves are provided in the peripheral surface of the filter body or, in other words, penetrate radially from the imaginary peripheral surface into the interior of the filter body.

Pages 6 and 7:

....and the good effect on taste which is nonetheless achieved are persuasively demonstrated).

II. Disclosure

The opponents make the criticism, although admittedly on the basis of arguments which differ in some respects, that the combination of features as set forth in claim 1 and the underlying problem of the patent in suit have not been adequately disclosed in the original papers. Those objections are wrong.

1. All structural features as are contained in the combination of features of present claim 1 are to be found as being features of the invention, in the originally filed papers. That applies in particular in regard to features C, C.3 and E to which the individual opponents specifically referred.

In regard to feature C, an aspect of particular significance is that the grooves extend in the peripheral surface of the filter body. In that respect, on page 9 of their opposition statement, opponents II take the view that the patent in suit does not make any mention of the fact that the grooves are to 'extend radially into the filter body'. They say that that radial extension in respect of depth is also not to be found in the originally filed papers.

In actual fact however the classifying portion of claim 1 states in express terms that the filter body has grooves 'in its peripheral surface'. That clearly states that the grooves extend in the peripheral surface of the filter body itself and not in their own portion which is disposed outside the filter body. That feature is also to be found in the originally filed papers. It is stated therein in claim 1 that 'the cover sheet and the rod-shaped filter have grooves...'. That expression is to be found at a number of points in the description. Thus, the first paragraph of the specific description already mentions the fact that the grooves 14 are provided in the filter unit 2 which consists of the actual filter portion 10 and the cover sheet 12. In addition, the second paragraph on page 7 states that 'the rod-like filter, with the cover sheet which is disposed therearound and which is not air-pervious is provided with grooves'. Finally a look at the original drawings shows that the grooves 14, 24, 34b and 44a extend radially into the actual filter material 10, 20, 30 and 40 and are not restricted for example to the thickness of the cover sheet. That means that feature C, namely arranging the grooves in the periphery of the actual filter body, is clearly disclosed in the original papers.

Feature C.3, namely that the grooves terminate at a spacing from the end towards the tobacco and are open towards the end towards the mouth, derives from an admissible selection from a plurality of options disclosed as alternatives in the original papers. It is thought to be sufficient in that respect to refer to original claims 2 and 3 which disclose the formation of grooves with flow communication with the cigarette and with flow communication with the mouth of the smoker, as well as alternative possibilities such as those shown in Figures 1, 2 and 3 on the one hand and Figure 4 on the other hand. Added to that is the fact that original claim 8 refers to the grooves extending over a predetermined length of the filter and for example the first paragraph of the description refers to the introduction of the ventilation air either at the tobacco end of the filter or at the mouth end of the filter. That therefore provides the man skilled in the art with a disclosure of a possible alternative construction, namely that the grooves extend from the mouth end of the filter over a part of the length thereof. Limiting the scope of protection claimed to one of a plurality of originally disclosed alternatives is....

ENCLOSURE 2 to the Case Note . of 29th March 1986 Re S 28 251/14

German patent specification No 3 011 959

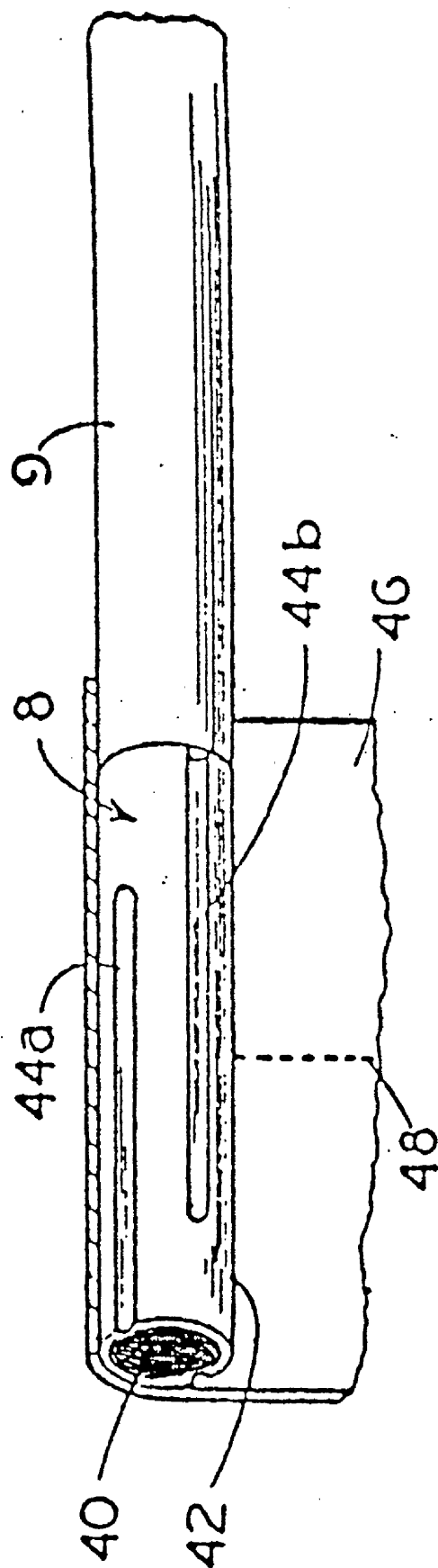


FIG. 5

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ENCLOSURE 3 to the Case Note of 29th March 1986 Re S 28 251/14

FIGURE 1 und FIGURE 2 from DE-OS 2 048 432

